

CR 18 00259 BLF

NC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

KATHERINE MOGAL,  
ANA ROSARIO,  
PATRICK NARRON,  
PATRICIO ROMANO,  
RONG "AUDREY" ZHANG, and  
JING QUI "GEE" WEIDEN,

JUN 14 2018

SUEAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

INDICTMENT

COUNTS ONE THROUGH FOURTEEN: (18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets)

*A true bill.*

*Chris Oats*  
Foreperson

Filed in open court this 14<sup>th</sup> day of June  
A.D. 2018

*[Signature]*  
United States Magistrate Judge

Bail. \$

*Summons as to each defendant*  
*July 9, 2018 @ 1:30*

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

FILED  
JUN 14 2018  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR 18 00259 BLF NC

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE MOGAL,  
ANA ROSARIO,  
PATRICK NARRON,  
PATRICIO ROMANO,  
RONG "AUDREY" ZHANG, and  
JING QUI "GEE" WEIDEN,

Defendants.

) Case No.

) VIOLATIONS: Title 18, United States Code, Section  
) 1832(a)(3) – Possession of Stolen Trade Secrets; Title  
) 18, United States Code, Sections 1834 and 2323 –  
) Criminal Forfeiture

) SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

1. Between on or about 1998 and on or about July 2017, AliphCom, Inc., d.b.a. "Jawbone" ("Jawbone") designed, manufactured, and sold wearable electronic devices, fitness trackers, and wireless speakers in interstate and international commerce. Jawbone was headquartered in San Francisco, California, and maintained an office in Sunnyvale, California, with approximately 300 employees worldwide.

2. Fitbit, Inc. ("Fitbit"), a publicly traded company since June 18, 2015, described itself

1 in promotional materials as the “leading global wearables brand” and being in the business of  
2 “design[ing] products and experiences that track and provide motivation for everyday health and  
3 fitness.” Fitbit was headquartered in San Francisco, California, and had over 1000 employees  
4 worldwide.

5 3. Katherine MOGAL (“MOGAL”), a resident of San Francisco County, California, was  
6 employed at Jawbone as the Director of Market and Customer Experience Insights. She was hired by  
7 Jawbone on or about July 17, 2013, and signed an employment agreement with Jawbone which  
8 contained a confidentiality clause. On or about March 13, 2015, MOGAL received an offer of  
9 employment from Fitbit, which she accepted. MOGAL resigned from Jawbone on March 17, 2015, and  
10 signed a certification stating she had returned all Jawbone property.

11 4. Ana ROSARIO (“ROSARIO”), a resident of San Mateo County, California, was  
12 employed at Jawbone as Design and User Researcher. She was hired by Jawbone on or about April 22,  
13 2014, and signed an employment agreement with Jawbone which contained a confidentiality clause. On  
14 or about April 17, 2015, ROSARIO received an offer of employment from Fitbit, which she accepted.  
15 ROSARIO resigned from Jawbone on April 23, 2015, and signed a certification stating she had returned  
16 all Jawbone property.

17 5. Patrick NARRON (“NARRON”), a resident of Santa Cruz County, California, was  
18 employed at Jawbone as a Senior Audio Engineer. He was hired by Jawbone on or about August 29,  
19 2011, and signed an employment agreement with Jawbone which contained a confidentiality clause. On  
20 or about April 5, 2015, NARRON received an offer of employment from Fitbit, which he accepted.  
21 NARRON resigned from Jawbone on April 22, 2015, and signed a certification stating he had returned  
22 all Jawbone property.

23 6. Patricio ROMANO (“ROMANO”), a resident of Los Angeles County, California, was  
24 employed at Jawbone as a Product Design Engineer. He was hired by Jawbone on or about November  
25 11, 2013, and signed an employment agreement with Jawbone which contained a confidentiality clause.  
26 On or about March 13, 2015, ROMANO received an offer of employment from Fitbit, which he  
27 accepted. ROMANO resigned from Jawbone on March 17, 2015, and signed a certification stating he  
28 had returned all Jawbone property.



7. Rong “Audrey” ZHANG (“ZHANG”), a resident of Contra Costa County, California, was employed at Jawbone as a Senior Supply Chain Manager. She was hired by Jawbone on or about July 23, 2012, and signed an employment agreement with Jawbone which contained a confidentiality clause. On or about March 23, 2015, ZHANG received an offer of employment from Fitbit, which she accepted. ZHANG resigned from Jawbone on April 5, 2015, but refused to sign a certification stating she had returned all Jawbone property.

8. Jing Qui “Gee” WEIDEN (“WEIDEN”), a resident of Santa Clara County, California, was employed at Jawbone as an Engineering Product Manager. She was hired by Jawbone on or about May 20, 2011, and signed an employment agreement with Jawbone which contained a confidentiality clause. WEIDEN resigned from Jawbone on March 21, 2014, and signed a certification stating she had returned all Jawbone property. WEIDEN began working at Fitbit in or about November 2014.

9. The technology and information at issue involved the research, development, production, and sale of personal health tracking devices and other “wearable” electronic devices.

#### Jawbone’s Trade Secrets

10. Jawbone’s internal computer systems and cloud storage applications used secure, password-protected repositories to store its documents, with access available to employees in the course of their job responsibilities as authenticated by a Windows login. These secure Jawbone repositories contained trade secrets, as defined in Title 18, United States Code, Section 1839(3), including the following:

- a. **Audio Now Study (“Trade Secret A”):** Jawbone’s proprietary and confidential qualitative survey conducted of users of small-form speaker products, describing the results of inquiries into timing and location of small speakers, threshold of convenience for use of an external speaker versus an internal device speaker, and other factors affecting a user’s decision to purchase a speaker. The study, which had been professionally designed, implemented, and summarized at considerable expense, was part of Jawbone’s overall concentration on and investment in research and development, and contained substantial proprietary and confidential information, including but not limited to a roadmap for future steps and product development

1 based on the research conclusions. Only authorized team members had access to the study, and  
2 limitations were placed on the use and copying of the study.

3 b. **Chinese User Market Study (“Trade Secret B”)**: Jawbone’s proprietary and confidential  
4 multi-faceted study of Chinese consumers, providing highly specific information about users’  
5 motivations, influences, desired features, brand preferences, reasons for purchasing fitness  
6 trackers, and shopping methodologies. The 53-page document is marked with a legend  
7 specifying it to be “proprietary and confidential,” and contains a significant volume of  
8 information, both quantitative and qualitative, about users in one of the world’s most important  
9 consumer markets. Only authorized team members had access to the study, and limitations  
10 were placed on the use and copying of the study.

11 c. **Vendor And Pricing Information For International Suppliers (“Trade Secret C”)**: Lists  
12 and schedules of Jawbone’s vendors who have been determined to be, through trial and error,  
13 capable of providing reliable services and products, including but not limited to printed circuit  
14 board fabrication, labor, materials, components, and other services involving specialized skills  
15 or equipment, and corresponding pricing information. Further, Jawbone had, over the course of  
16 many years, negotiated extensively to obtain competitive price quotes from these vendors for  
17 the delivery of specialized and unique prototypes of new products in development.

18 d. **Schematics, Design Specifications, And Detailed Description Of Unreleased Fitness**  
19 **Headphone (“Trade Secret D”)**: As part of its research and development of a project code  
20 named “Heisenberg,” emails, drawings, and other files detailing the specific combination of  
21 sensors to be integrated into Jawbone’s unreleased fitness headphones product, including  
22 gyroscopes, accelerometers, magnetometers, an optical heart-rate monitor, and microphones on  
23 each ear piece. Such data was highly proprietary, represented a multi-million dollar investment  
24 into research and design, and was a critical part of Jawbone’s historical strategic advantage in  
25 headphones and speakers over its competitors, particularly Fitbit, which in 2015 did not have  
26 any headphone or audio products for sale to consumers.

27 e. **Emails, Presentations, And Design Documents Related To Heisenberg Headphones**  
28 **(“Trade Secret E”)**: Documents containing the specific features Jawbone intended to include

1 in its unreleased fitness Heisenberg Headphone product, including its audio features, advanced  
2 tracking features, and lifestyle coaching.

- 3 f. **Three-Dimensional Drawing Of HRM And Driver Locations And Heisenberg Sensor**  
4 **Boards Schematics (“Trade Secret F”)**: Drawings containing the layout and design of  
5 components and circuits to be included in the unreleased Heisenberg headphones in order to  
6 optimize functionality, stability, and battery life.
- 7 g. **Internal Email And Attachment Regarding Heisenberg CAD (“Trade Secret G”)**: A  
8 Computer-aided Design (“CAD”) file containing the settings, technical specifications, and  
9 features for the heart rate monitor to be included in the unreleased Heisenberg headphones,  
10 which provided the ability to adjust sampling frequency and intensity of the optical monitor to  
11 determine heart rate accurately while minimizing the extent of power consumption.
- 12 h. **Jawbone NPI COGS Refresh And Supporting Spreadsheet With Unit Profit And Loss**  
13 **Forecast (“Trade Secret H”)**: Jawbone’s detailed financial data specifying product costs,  
14 margins, and action plans for multiple Jawbone products sold in interstate and foreign  
15 commerce.
- 16 i. **Spitz Parts, Material, Process, Site/Vendor, Cosmetic, Volume, And Pricing Spreadsheet**  
17 **(“Trade Secret I”)**: Data, photos, and analyses specifically reflecting Jawbone’s costs,  
18 including its cost of goods sold and its liabilities to manufacturers, suppliers, or vendors for the  
19 “Spitz” waterproof version of Jawbone’s wearable fitness tracker.
- 20 j. **Daily Diary Study (“Trade Secret J”)**: A journal-based qualitative study with 18 participants  
21 who used both Jawbone’s UP24 electronic fitness tracker and Fitbit wristbands, seeking to  
22 understand how users interact with wearable devices, assessing users’ needs, goals, and  
23 perceptions. This comprehensive study of user preferences, particularly in the comparison  
24 between Jawbone and Fitbit products, was a “Foundational” document for Jawbone.
- 25 k. **User Segmentation Study (“Trade Secret K”)**: A quantitative study of over 1400 Jawbone  
26 users inquiring into users’ backgrounds, reasons for purchasing fitness trackers, interest in  
27 health and fitness, and motivation. Containing the legend “Proprietary and Confidential,” this  
28 study was the starting point of subsequent efforts by Jawbone to define user personas and

archetypes to better understand market segmentation to develop and produce for sale more specific, targeted products beyond basic unitary features. Information contained in this 73-page document served as the basis for much of Jawbone's product roadmap, and had significant economic value to Jawbone.

- l. **Lifestyle Tracker Shopper Journey Study ("Trade Secret L"):** A quantitative study of fitness tracker owners, inquiring into users' desired features, shopping research, familiarity with various brands and products, motivation to use a tracker device. This document contained information on user comparisons between Jawbone and Fitbit.
- m. **International Tracker Market Study ("Trade Secret M"):** A quantitative study of over 1500 European Jawbone users inquiring into users' expectations, desired features, reasons for purchasing fitness trackers, and shopping methodology.
- n. **Headphones Owner Survey and Workout Headphones Survey ("Trade Secret N"):** Quantitative surveys of headphone owners' demanded features, price sensitivities, and specific factors affecting consumers' use of headphones during exercise.

COUNTS ONE THROUGH FOURTEEN: (18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets)

11. The factual allegations contained in Paragraphs 1 through 10 are incorporated here.

12. On dates unknown to the grand jury, but no later than the dates specified below, and until approximately October 2015, in the Northern District of California and elsewhere, the defendants,

KATHERINE MOGAL,  
ANA ROSARIO,  
PATRICK NARRON,  
PATRICIO ROMANO,  
RONG "AUDREY" ZHANG, and  
JING QUI "GEE" WEIDEN

knowingly received and possessed the Jawbone trade secrets identified below, knowing them to have been stolen and appropriated, obtained, and converted without authorization, with the intent to convert the trade secrets, which were related to and intended to be included in products to be produced for and placed in interstate and foreign commerce, to the economic benefit of someone other than Jawbone, and

intending and knowing that the offense would injure Jawbone.

Count	Defendant(s)	Jawbone Trade Secret	Date Defendant Resigned from Jawbone	Description
One	MOGAL ROSARIO	A	March 17, 2015 (Mogal) April 23, 2015 (Rosario)	Audio Now Study
Two	MOGAL ROSARIO	B	March 17, 2015 (Mogal) April 23, 2015 (Rosario)	Chinese User Market Study
Three	WEIDEN	C	March 31, 2014	Vendor And Pricing Information For International Suppliers
Four	NARRON ROMANO	D	April 22, 2015 (Narron) March 17, 2015 (Romano)	Schematics, Design Specifications, And Detailed Description Of Unreleased Fitness Headphone
Five	NARRON ROMANO	E	April 22, 2015 (Narron) March 17, 2015 (Romano)	Documents Containing Specific Features To Be Included In Heisenberg Fitness Headphone Product, Including Its Audio Features, Advanced Tracking Features, And Lifestyle Coaching
Six	ROMANO	F	March 17, 2015	Three-Dimensional Drawing Of HRM And Driver Locations And Heisenberg Sensor Boards Schematics
Seven	ROMANO	G	March 17, 2015	Internal Email And Attachment Regarding Heisenberg CAD
Eight	ZHANG	H	April 5, 2015	Jawbone NPI COGS Refresh And Supporting Spreadsheet With Unit Profit And Loss Forecast
Nine	ZHANG	I	April 5, 2015	Spitz Parts, Material, Process, Site/Vendor, Cosmetic, Volume, And Pricing Spreadsheet



Count	Defendant(s)	Jawbone Trade Secret	Date Defendant Resigned from Jawbone	Description
Ten	MOGAL ROSARIO	J	March 17, 2015 (Mogal) April 23, 2015 (Rosario)	Daily Diary Study
Eleven	MOGAL ROSARIO	K	March 17, 2015 (Mogal) April 23, 2015 (Rosario)	User Segmentation Study
Twelve	MOGAL	L	March 17, 2015	Lifestyle Tracker Shopper Journey Study
Thirteen	MOGAL	M	March 17, 2015	International Tracker Market Study
Fourteen	ROSARIO	N	April 23, 2015	Headphones Owner Survey And Workout Headphones Survey

Each in violation of Title 18, United States Code, Section 1832(a)(3).

**FORFEITURE ALLEGATION:** (18 U.S.C. §§ 1834 and 2323 – Proceeds and Property Involved in Theft of Trade Secrets)

13. The allegations contained in Counts 1 through 12 of this Indictment are hereby re-alleged and incorporated as if fully set forth here. Upon conviction of any of those offenses, the defendants,

KATHERINE MOGAL,  
ANA ROSARIO,  
PATRICK NARRON,  
PATRICIO ROMANO,  
RONG “AUDREY” ZHANG, and  
JING QUI “GEE” WEIDEN,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 1834 and 2323, any property used, or intended to be used, in any manner or part to commit or facilitate the commission of the offenses, and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offenses.

14. If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2323(b).

All pursuant to Title 18, United States Code, Sections 1834 and 2323.


DATED: 6-14-18

A TRUE BILL.

  
FOREPERSON

ALEX G. TSE  
United States Attorney

  
JOHN H. HEMANN  
Deputy Chief, Criminal Division

(Approved as to form: 

AUSA AMIE D. ROONEY

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 COUNTS ONE and TWO and TEN-THIRTEEN:  
 18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

Katherine ("Katy") Mogal

DISTRICT COURT NUMBER

CR 18 00259

BLF

NC

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)
 JUN 14 2018  
 SUSAN Y. SOONG  
 CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE
**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE
☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Amie D. Rooney

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm Before Judge: Virginia De Marchi

Comments: Agent will be serving Summons

A1



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

COUNTS ONE, TWO, TEN-ELEVEN &amp; FOURTEEN:

18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

Ana Rosario

DISTRICT COURT NUMBER

CR 18 00259 BLF

NC

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Amie D. Rooney

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)
 FILED  
 JUN 14 2018

 IS IN CUSTODY  
 SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE
4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm Before Judge: Virginia De Marchi

Comments: Agent will be serving Summons

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED****COUNTS FOUR-FIVE:**

18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

Patrick Narron

DISTRICT COURT NUMBER

**CR 18 00259 3LF****DEFENDANT****IS NOT IN CUSTODY**

- 1)
- ☒
- Has not been arrested, pending outcome this proceeding.
- 
- If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☐
- Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
- 
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Amie D. Rooney

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

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Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm Before Judge: Virginia De Marchi

Comments: Agent will be serving Summons

13



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED****COUNTS FOUR-SEVEN:**

18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

- ☐
- Petty
- 
- ☐
- Minor
- 
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- 
- ☒
- Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

▶ Patricio Romano

DISTRICT COURT NUMBER

**CR 18 00259 BLF NC**
**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
- If not detained give date any prior summons was served on above charges ▶
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
- 
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

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☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Amie D. Rooney

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm

Before Judge: Virginia De Marchi

Comments: Agent will be serving Summons

**Δ4**

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED****COUNTS EIGHT-NINE:**

18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

Rong ("Audrey") Zhang

DISTRICT COURT NUMBER

**CR 18 00259****BLF NC****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Amie D. Rooney

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**FILED****JUN 14 2018****IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm

Before Judge: Virginia De Marchi

Comments: Agent will be serving Summons

**Δ5**



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED****COUNT THREE:**

18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

 PENALTY: 18 U.S.C. § 1832(a)(3) 10 years imprisonment,  
 \$250,000 fine, \$100 special assessment and 3 years' supervised  
 release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

Jing Qi ("Gee") Weiden

DISTRICT COURT NUMBER

**CR 18 00259 BLF****DEFENDANT****NC****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
- If not detained give date any prior summons was served on above charges
- 
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)
- 

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
- 
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution                     
 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed                     
**DATE OF ARREST**Month/Day/Year                     

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**Month/Day/Year                     ☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Waseem Iqbal, DHS-HSI

☐ person is awaiting trial in another Federal or State Court,  
 give name of court                     
☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District                     
☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.                     
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.                     
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under                     

Name and Office of Person

Furnishing Information on this form ALEX G. TSE, Acting☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Amie D. Rooney**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANTBail Amount:                     

If Summons, complete following:

☒ Arraignment ☐ Initial AppearanceDefendant Address:                     

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 9, 2018 1:30 pm Before Judge: Virginia De MarchiComments: Agent will be serving Summons**AG**